

PATENT COOPERATION TREATY

REC'D 09 JUN 2005

WIPO

PCT

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

4/8

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/NZ2005/000007

International filing date (day/month/year)
27.01.2005

Priority date (day/month/year)
27.01.2004

International Patent Classification (IPC) or both national classification and IPC
H04Q7/32, H04L12/56

Applicant
TAIT ELECTRONICS LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NZ2005/000007

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NZ2005/000007

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-5, 7, 8, 10
	No: Claims	1, 6, 9
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Reference is made to the following document:

D1: US 5 768 683
D2: US 2003/0224840
D3: DE 3337646

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. The present application does not meet the requirements of Article 33 PCT because the subject-matter of **claim 1** is not novel. This will be discussed in the following.

Document **D1** (see in particular column 1, lines 30-32; column 3, lines 6-10; column 3, line 61 - column 4, line 15; column 6, lines 3-12; column 8, lines 41-58; figure 1) cited in the search report (applying the terminology of present **claim 1** and references of or to **D1**) discloses a system for mobile radio communication, including an on-board radio station ("mobile communication unit"; "104" in figure 1) having a relatively long range for communication with other stations (column 1, lines 30-32); and a portable radio station ("portable communication unit"; "105" in figure 1") having a relatively short range for communication with other stations (column 1, lines 30-32); wherein the on-board station receives and forwards messages between the portable station and the network when the on-board station is within range of the network but the portable station is out of range of the network (column 3, lines 6-10; column 3, line 61 - column 4, line 15; column 6, lines 3-12; column 8, lines 41-58).

This is the exact wording of present **claim 1** the subject-matter of which can consequently not be considered novel, contrary to Article 33(2) PCT. As a consequence, the requirements of Article 33(3) PCT are not met either.

2. **Independent claims 6 and 9** are mere reformulations of claim 1 in order to define the methods performed at the portable radio station and at the on-board radio station of the system described in claim 1. Therefore, the same arguments with regard to novelty and inventive step apply. Thus, **claims 6 and 9** do also not meet the requirements of Articles 33(2) and (3) PCT.
3. Furthermore, **dependent claims 2 to 5, 7, 8 and 10** do not appear to contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step for the reason that the subject-matter of said claims is **either in principle** directly derivable from the disclosure of document **D1** (see for **claim 5** column 8, lines 41-58; for **claim 7** column 3, lines 44-53 and figure 1) **or** of document **D2** (see in for **claims 2 and 8** paragraph 9) **or** of document **D3** (see in for **claims 3, 4 and 10** the abstract; claim 1), **or** represents simple design details which are generally known to the person skilled in the field of mobile communication systems.

As a consequence, **claims 2 to 5, 7, 8 and 10** do not meet the requirements of Article 33(3) PCT for lack of inventive step of their subject-matter.

Re Item VII

Certain defects in the international application

1. The **independent claims** are not in the **two-part form** (Rule 6.3(b) PCT).
2. The features are not provided with **reference signs** placed in parentheses (Rule 6.2(b) PCT).
3. Document **D1** and the **relevant background art** disclosed therein are not mentioned in the opening part of the description (Rule 5.1(a)(ii) PCT).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/NZ2005/000007

Re Item VIII

Certain observations on the international application

The feature "other stations" defined in claim 1 is unclear since it could mean "other radio base stations" or "other on-board stations" or "other portable radio stations".

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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 - c. time of filing/furnishing:

☐ contained in the international application as filed.

☐ filed together with the international application in computer readable form.

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

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2. Citations and explanations

see separate sheet

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D2: US 2003/0224840
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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
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1. The present application does not meet the requirements of Article 33 PCT because the subject-matter of **claim 1** is not novel. This will be discussed in the following.

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As a consequence, **claims 2 to 5, 7, 8 and 10** do not meet the requirements of Article 33(3) PCT for lack of inventive step of their subject-matter.

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